REMARKS

Claims 1-43 are pending in the case. In the Final Office Action mailed September 8, 2005, the Examiner took the following action: (1) rejected claims 1-29 under 35 USC § 101; (2) rejected claims 1-4, 9, 10, 13, 14, 18, 19, 30-32, 36, 37, and 41-43 under 35 USC § 102(b) as being unpatentable over Kaloust (U.S. 6,246,929); and (3) rejected claims 5, 6, 15, 20-23, 32, and 33 under 35 USC § 103(a) as being unpatentable over Kaloust in view of White (U.S. 5,444,641). The Examiner indicated that claims 34, 35, and 38-40 are dependent upon a rejected base claim, but would be allowable if rewritten to include the limitations of their respective base and intervening claims. Applicant has canceled claims and amended claims in order to place all pending claims in condition for allowance in accordance with the Examiner's indication of allowable subject matter, and therefore, respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 13-14 and 18

Claim 13 (and the claims depending therefrom) has been amended to recite a computer-readable medium encoded with a computer program product for analyzing test data obtained from an aeroelastic structure. Applicant respectfully submits that, as amended, claim 13 properly recites statutory subject matter in accordance with 35 USC § 101, and therefore requests reconsideration and withdrawal of this rejection.

Claim 13 has been further amended to recite the subject matter which the Examiner has acknowledged as being allowable with respect to claims 34 and 35. More specifically, claim 13 recites in relevant part: a third computer program portion configured to perform at least one non-linear transfer function frequency response curve fit to the plurality of data points, *wherein the third computer program portion is further configured to perform at least one non-linear optimization curve fit to the plurality of data points using a Jacobian matrix populated using analytically-derived sensitivities based on at least one of a State Space Model and a Pole Zero*

Model. (emphasis added). Accordingly, Applicant respectfully requests allowance of claim 13, and also claims 14 and 18 depending therefrom.

Claims 19-21, 23, and 26-29

Similarly, claim 19 (and the claims depending therefrom) has been amended to recite a computer-readable medium encoded with a computer program product for analyzing test data. Applicant respectfully submits that, as amended, claim 19 properly recites statutory subject matter in accordance with 35 USC § 101, and therefore requests reconsideration and withdrawal of this rejection.

Claim 19 has been further amended to recite the subject matter which the Examiner has acknowledged as being allowable with respect to claims 34 and 35. More specifically, claim 19 recites in relevant part: a third computer program portion configured to perform at least one non-linear transfer function frequency response curve fit to the plurality of data points, *wherein the third computer program portion is further configured to perform at least one non-linear optimization curve fit to the plurality of data points using a Jacobian matrix populated using analytically-derived sensitivities based on at least one of a State Space Model and a Pole Zero Model.* (emphasis added). Accordingly, Applicant respectfully requests allowance of claim 19, and also claims 20-21, 23, and 26-29 depending therefrom.

Claims 30-33 and 36-37

Claim 30 has been amended to include the subject matter recited in claims 34 and 35 which the Examiner acknowledged as being allowable. More specifically, claim 30 recites in relevant part: a third component configured to perform at least one non-linear transfer function frequency response curve fit to the plurality of data points, *wherein the third component is further configured to perform at least one non-linear optimization curve fit to the plurality of data points using a Jacobian matrix populated using analytically-derived sensitivities based on at least one of a State Space Model and a Pole Zero Model.* (emphasis added). Claims 30 and 31 have also been amended to correct an informality noted in the spelling of the term "device."

Accordingly, Applicant respectfully requests allowance of claim 30, and also claims 31-33 and 36-37 depending therefrom.
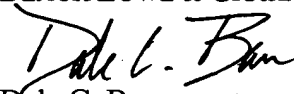
<u>Claims 38 and 40-43</u>

Similarly, claim 38 has been amended to include the limitations of its respective base claim, as well as the subject matter recited in claim 39 which the Examiner acknowledged as being allowable. More specifically, claim 30 recites in relevant part: *a third component configured to perform at least one non-linear transfer function frequency response curve fit to the plurality of data points; and a fourth component configured to transform the plurality of data points into at least one of a State Space Model and a Pole Zero Model.* (emphasis added). Accordingly, Applicant respectfully requests allowance of claim 38, and also claims 40-43 depending therefrom.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests entry of the proposed amendments and allowance of pending claims 13-14, 18-21, 23, 26-33, 36-38, and 40-43. If there are any remaining matters that may be handled by telephone, the Examiner is kindly invited to telephone the undersigned.

Respectfully submitted,
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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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